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## FACSIMILE TRANSMITTAL

## TO:

Name: Mail Stop AF  
Group Art Unit 3772  
Examiner Michael A. Brown

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 08/480,461  
Gary K. Michelson  
Filed: June 7, 1995

INSTRUMENTATION FOR THE SURGICAL  
CORRECTION OF HUMAN THORACIC AND  
LUMBAR SPINAL DISEASE FROM THE  
LATERAL ASPECT OF THE SPINE

Attorney Docket No. 102.0010-01000  
Customer No. 22882  
Confirmation No.: 9274

## FROM:

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 10

Date: July 26, 2007

Confirmation Copy to Follow: NO

## Message:

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$500.00 total amount to cover the Notice of Appeal fee is to be charged to Deposit Account No. 50-3726), Notice of Appeal, Form PTO/SB/33, and Pre-Appeal Brief Request for Review are being facsimile transmitted to the U.S. Patent and Trademark Office on July 26, 2007.

  
Miyabi Grace Forker

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FORM PTO-1083

Attorney Docket No.: 102.0010-01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: 08/480,461

Filed: June 7, 1995

For: INSTRUMENTATION FOR THE  
SURGICAL CORRECTION OF  
HUMAN THORACIC AND LUMBAR  
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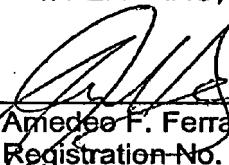
Mail Stop AF  
Commissioner for Patent  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Transmitted herewith is a Notice of Appeal in reply to the Final Office Action dated June 27, 2007 in the above-identified application.

- No additional fee is required.
- Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- Form PTO/SB/33 and Pre-Appeal Brief Request for Review are enclosed.
- The total amount of \$500.00 to cover the Notice of Appeal fee is to be charged to Deposit Account No. 50-3726.
- The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

By:   
Amadeo F. Ferraro  
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Date: July 26, 2007

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